IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 26320 of 2007(G)

PETITIONER:

NISHAT T.S.,
JUNIOR SUPERINTENDENT IN THE CATEGORY OF DEPUTY TAHSILDAR, OFFICE OF THE ASSISTANT DIRECTOR, MAPPING, THRISSUR.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. THE COMMISSIONER OF LAND REVENUE, THIRUVANANTHAPURAM.

2. THE DEPARTMENTAL PROMOTION COMMITTEE (LOWER) FOR MAKING PROMOTION TO THE POST OF TAHSILDAR IN THE LAND REVENUE DEPARTMENT, REPRESENTED BY ITS CONVENOR, THE COMMISSIONER FOR LAND REVENUE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BENNY GERVASIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007, ALONG WITH W.A.2199/2007 & W.P.(C).4731/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1-	TRUE COPY OF THE CERTIFICATE IN ACCOUNT TEST (LOWER) DATED 15.3.1991 ISSUED TO THE PETITIONER BY THE KERALA PUBLIC SERVICE COMMISSION
EXT.P2-	TRUE COPY OF THE CERTIFICATE IN REVENUE TEST (TRAVANCORE) DATED 10.10.91 ISSUED to the PETITIONER BY THE K.P.S.C.
EXT.P3-	TRUE COPY OF THE CERTIFICATE IN CHAIN SURVEY AND HIGHER SURVEY DATED 24.12.99 ISSUED TO THE PETITIONER BY THE GOVERNMENT
EXT.P4-	TRUE COPY OF THE CERTIFICATE IN KERALA CRIMINAL JUDICIAL TEST DATED 29.9.94 ISSUED TO THE PETITIONER BY THE KPSC.
EXT.P5-	TRUE COPY OF THE CERTIFICATE IN LAW DATED 5.10.99 ISSUED TO THE PETITIONER BY THE UNIVERSITY OF KERALA
EXT.P6-	TRUE COPY OF THE CERTIFICATE IN DISTRICT OFFICE MANUAL TEST DATED 7.7.89 ISSUED TO THE PETITIONER BY THE KPSC
EXT.P6(a)-	TRUE COPY OF THE ORDER DATED 22.2.06 OF THE GOVERNMENT
EXT.P7-	TRUE COPY OF THE ORDER DATED 25.6.07 OF THE GOVERNMENT
EXT.P8-	TRUE COPY OF THE ORDER DATED 31.7.07 OF THE FIRST RESPONDENT
EXT.P9-	TRUE COPY OF THE COMMUNICATION SHOWING DETAILS OF DEPUTY TAHSILDAR WHO HAS COMPLETED HIS PROBATION AS ON 31.7.07 DATED 4.8.07
EXT.P10-	TRUE COPY OF THE REPRESENTATION 6.8.07 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT
EXT.P11-	TRUE COPY OF THE JUDGMENT DATED 21.8.07 IN W.P.(C).24932 OF 2007 OF THIS HON'BLE COURT
EXT.P12-	TRUE COPY OF THE ORDER DATED 9.8.2007 IN I.A.10798 OF 2007 IN W.P.(C).4731 OF 2007.

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

W.P.(C).Nos. 4731/07, 26320/07 & W.A.2199/07

Dated this the 13th day of September, 2007

JUDGMENT

Radhakrishnan, J

Writ Appeal 2199/2007 is preferred against the judgment in W.P.(C).24932/2007 directing the concerned authorities to take steps to include the petitioners therein in the list of approved probationers based on their seniority. Appellants herein, included in the seniority list of approved probationers, claim that they are eligible for promotion as Tahsildars earlier than the respondents. According to the appellants the writ petitioners cannot have a march over them.

2. Commissioner, Land Revenue, has reported that the Departmental Promotion Committee was convened on 5.9.2007. Petitioners' names were also considered by that Committee and the process for publication of the select list is now in progress. The names of petitioners in W.P. (C).24932/2007 were not considered by the Committee since the collection of details in respect of those officials from the District Collector's could not be completed. It is also submitted that there is no move to place the

petitioners in W.P.(C).24932/2007 as seniors and to rank them above the appellants

3. Appellants in W.A.2199/2007 are the petitioners in W.P.(C).4731/2007, which has been preferred seeking a writ of certiorari to quash Ext.P5 select list of Deputy Tahsildars for promotion as Tahsildars and also for a writ of mandamus directing the respondent to revise the seniority lists of H.C/R.I and Deputy Tahsildars on the basis of the revised seniority list of U.D.C/V.O.s to be finalized as directed in Ext.P4 order and also for other consequential reliefs. According to the petitioners, the select list is issued without waiting for the revised seniority list and if the select list is prepared after the revised seniority list is issued, they will also find a place in the select list. The petitioners in W.P.(C).24932/2007 were not considered for promotion by the departmental promotion committee.

4. Writ Petition 26320/2007 was preferred seeking a writ of mandamus directing the second respondent to include the name of the petitioner in the list of approved probationers of Deputy Tahsildars and

consider the petitioner for promotion to the post of Tahsildar while considering the case of the petitioners in Ext.P11 judgment in accordance with his seniority.

5. We find it unnecessary to interfere in these matters at present. Considering the facts and circumstances, we leave it to the appropriate authority to consider their grievance in accordance with law.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs